

Rule 23.2. Actions Relating To Unincorporated Associations.

An action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties may be maintained only if it appears that the representative parties will fairly and adequately protect the interests of the association and its members. In the conduct of the action the court may make appropriate orders corresponding with those described in Rule 23(d), and the procedure for dismissal or compromise of the action shall correspond with that provided in Rule 23(e).

Reporter's Notes to Rule 23.2: - 1. With the exception of minor wording changes, Rule 23.2 is identical to FRCP 23.2. These wording changes were necessary because of the revision of Rule 23 from FRCP 23.

2. Actions by and against members of unincorporated associations as a class have been long recognized in Arkansas. Since an association cannot sue or be sued in its own name, a class action has been the customary method of bringing suit. *Baskin v. United Mine Workers of America*, 150 Ark. 398, 234 S.W. 464 (1921); *Smith v. Arkansas Motor Freight Lines*, 214 Ark. 553, 217 S.W.2d 249 (1949).

3. Rule 23.2 should have little effect on Arkansas law. The rule simply provides safeguards to insure that absent members of the association are fully protected. This rule does not affect the principle that individual members of an association are not liable for damages. *Massey v. Rogers*, 232 Ark. 110, 334 S.W.2d 664 (1960).

History Text:

History. Amended November 11, 1991, effective January 1, 1992

Associated Court Rules:

Rules of Civil Procedure

Group Title:

IV. Parties

Source URL: <https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-232-actions-relating-unincorporated-associations>